

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

Gerald Bailey and Ruby Bailey,

No. 3:22-cv-00664-YY

Plaintiff,

ORDER

v.

Evergreen Estates MCH, LLC,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Youlee Yim You issued a Findings and Recommendation on September 12, 2022, in which she recommends that the Court grant in part and deny in part Defendant's Motion to Dismiss and Strike. F&R, ECF 18. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v.*

*Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error.

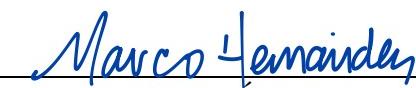
## CONCLUSION

The Court adopts Magistrate Judge You's Findings and Recommendation [18]. Accordingly, Defendant's Motion to Dismiss and Strike [11] is granted in part and denied in part as follows:

- (1) Defendant's Motion to Dismiss Plaintiffs' ninth claim is denied.
- (2) Defendant's Motion to Strike paragraphs 57 and 61 of Plaintiffs' Complaint is construed as a Motion to Dismiss those paragraphs for failure to state a claim.
- (3) Defendant's Motion to Dismiss paragraph 57 of Plaintiffs' Complaint is denied.
- (4) Defendant's Motion to Dismiss paragraph 61 of Plaintiffs' Complaint is granted.

IT IS SO ORDERED.

DATED: October 13, 2022.

  
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MARCO A. HERNÁNDEZ  
United States District Judge